# Workplace Harassment Compliance & Prevention Game Plan




Today, we're going to provide what HR directors need – namely practical solutions that meet new OHS requirements, reflect best practices, and get the job done – to prevent workplace harassment. Here's a 13-step Game Plan you can implement to prevent workplace harassment at your company.

## Workplace Harassment vs. Workplace Violence

Although it deals with workplace harassment, you might want to consider combining this Game Plan with the HR Insider Workplace Violence Prevention and Compliance Game Plan, especially if you're subject to Alberta, BC, Federal, Québec, or Yukon OHS laws.

## 13-Step Workplace Harassment Compliance & Prevention Game Plan

No matter what part of Canada you're in, you must take 13 steps to prevent workplace harassment.

### Step 1. Do a Workplace Harassment & Violence Hazard Assessment

Expand your current workplace violence hazard assessment procedure to incorporate harassment. As before, designate a competent person who has the necessary knowledge, skills, and experience to perform the assessment, in consultation with the workplace joint health and safety committee (JHSC) or health and safety representative (safety rep). Base the assessment on 6 risk factors:

- The culture, conditions, activities, and organizational structure of the workplace.
- Previous experiences of harassment and violence in the particular workplace.
- Circumstances outside the workplace that could lead to harassment and violence in the workplace, such as domestic abuse or family violence.
- Reports, records, and data related to harassment and violence in the workplace.
- The physical design of the workplace (which is more relevant for violence).
- The current measures in place to protect employees' psychological health and safety.

**Strategic Pointer:** One effective way to gather the necessary information is to have employees fill out an anonymous survey relating their own experiences. Survey supervisors separately. Also create a written report documenting the date and findings of the hazard assessment and review it:

- At regular intervals (every 3 years in Federally regulated workplaces and every 5 years in Nova Scotia).
- After significant changes to the above listed risk factors.
- In response to any indications that the latest hazard assessment might be out of date or not reflective of current conditions.

### Step 2. Implement Appropriate Workplace Harassment Preventive Measures

Once the assessment is complete, you must implement preventive measures to eliminate or, if that's not reasonably practicable, minimize the harassment risks identified. Because it's a human risk factor, most of these measures will be administrative or work controls, including training, awareness, and procedures for reporting, investigating, and resolving harassment complaints, as we'll discuss below.

### Step 3. Implement a Workplace Harassment Prevention Policy/Program

Incorporate your basic workplace harassment controls into a prevention policy or program (which we'll refer to as "policy") which can be freestanding or combined with your workplace violence prevention program. In either case, the remaining items of this Game Plan are items that your prevention policy must include.

### Step 4. Create Written Statement of Commitment to Harassment-Free Workplace

Make sure your harassment prevention policy includes a written statement:

- Of employees' right to a work environment free of workplace harassment.
- Of the company's commitment to take all reasonably practicable measures to eliminate or, if that's not possible, minimize workplace harassment hazards.
- Clarifying that the prevention policy isn't intended to substitute for or eliminate any of the employees' other legal rights, which essentially means reminding employees that they can still file complaints if they suffer discrimination or harassment on the basis of race, religion, age, sex, family status, disability, or other grounds protected by the jurisdiction's human rights laws.

### Step 5. Implement Workplace Harassment Reporting Procedures

It's essential to have clear and workable procedures that employees can use to report the workplace violence they experience or witness. Designate a person or office to receive such reports, along with an alternative recipient in case the designated recipient is actually involved in the alleged harassment. Without such an alternative, workplace harassment may go unreported. Also create a harassment incident report form allowing employees to report harassment anonymously.

### Step 6: Implement Workplace Harassment Investigation Procedures

You need procedures to ensure a fair, impartial, and timely investigation of and response to harassment reports. **Best Practice (and legally required if you're federally regulated):** Ensure your investigation procedures spell out:

- The parties' right to resolve the matter externally, at least until the

investigator submits their report.
- Specification of the professional credentials the investigator must have.
- The requirement that the investigator come from outside the company or at least be perceived by both parties as being impartial.
- A description of the actual investigation procedures.
- A description of the procedures for notifying the parties of the investigation results.

## Step 7. Protect Privacy of Persons Involved in Workplace Harassment Complaint

Your prevention policy should include assurances that you won't disclose the names of the people involved or the circumstances of the harassment complaint under investigation unless disclosure is necessary to perform the investigation, implement corrective actions, or otherwise permitted or required by law.

## Step 8. Implement Procedures for Resolving Workplace Harassment Complaints

Make sure the prevention policy clearly describes your system for resolving complaints, including an assurance to hold those found to have engaged in harassment accountable as well as a timetable and set of procedures for implementing actions that the investigator recommends to correct problems that led to the incident and ensure that it doesn't happen again. Your prevention policy should also spell out that employees found to have engaged in workplace harassment will be subject to discipline up to and including termination.

## Step 9. Provide Support for Workplace Harassment Victims

OHS laws of most jurisdictions require employers to provide certain kinds of help to victims of workplace violence but not harassment. **Exceptions:** Federal, Alberta, and Yukon. Still, even if it's not expressly required, employers should offer support to harassment victims, which may include:

- Providing information about medical, psychological, or other support services available within their geographical area (required for federal employers).
- Advising victims to seek medical treatment and post-incident counselling (required in Alberta).
- Counting time spent in referred treatment and counselling as work time (required in Alberta).

## Step 10. Implement Corrective Actions After Incidents of Workplace Harassment

After investigating a workplace harassment complaint or allegation, the investigator should issue a written report that not only details what did or didn't happen but also describes any breakdowns in the prevention policy that led to the incident, along with recommended actions to prevent the problem from recurring. You should then make a determination either to implement the recommended corrective action or document your reasons for rejecting the recommendation. In most jurisdictions, you must consult the workplace JHSC or safety rep in making this determination.

## Step 11. Provide Workplace Harassment Prevention Training

You must provide for all workers and supervisors to receive training on workplace harassment. Develop training in consultation with the JHSC or HSR and ensure it

covers:

- The different elements of your harassment prevention policy, including the reporting and investigation procedure.
- What is and is not harassment, including but not limited to sexual harassment.
- A description of the relationship between workplace harassment and violence.
- The prohibited grounds of discrimination under the human rights laws of your jurisdiction.

## Step 12. Document Your Workplace Harassment Prevention Efforts

One of the most important but overlooked elements of harassment prevention is scrupulous recordkeeping. Records enable you to monitor the effectiveness of your prevention efforts. Key records to maintain include copies of:

- The hazard assessment.
- Reports of harassment incidents.
- Investigator reports.
- Records documenting corrective actions and how incidents were resolved.
- Records of harassment training, including who received it, who delivered it, what it covered, and the training date.
- Records documenting your efforts to verify that employees actually understood their training.
- Records of prevention policy review.

## Step 13. Provide for Workplace Harassment Prevention Policy Review

Be sure to review your workplace harassment and violence hazard assessment and harassment prevention policy, in consultation with the JHSC or safety rep, at least every 3 years and as needed in response to incidents, new hazards, or changes in conditions that the previous hazard assessment and policy didn’t account for.